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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,643	10/04/2006	Markus Gimbel	21334-1616 (41267US)	2122
29450	7590	01/09/2009		
BARLEY SNYDER, LLC 1000 WESTLAKES DRIVE, SUITE 275 BERWYN, PA 19312				
EXAMINER				
VU, HIEUN D				
ART UNIT		PAPER NUMBER		
2833				
NOTIFICATION DATE		DELIVERY MODE		
01/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/599,643

Applicant(s)

GIMBEL ET AL.

Examiner

Hien D. Vu

Art Unit

2833

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-51 is/are pending in the application.
- 4a) Of the above claim(s) 35-38, 43, 44 and 47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34, 39-42, 45, 46 and 48 is/are rejected.
- 7) ☒ Claim(s) 49-51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The drawings of Figs. 7-16 are objected to under 37 CFR 1.83(a). The drawings of Figs. 7-16 must show every feature of the invention specified in the claims. Therefore, the features of claim 42 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 40 and 42 are objected to because in claim 40, "outer periphery" appears to be – a periphery –; claim 42 features are unclear because they are not

shown in the drawings of Figs. 7-16. Fig. 10 shows the sealing projection 198 engaged the partition wall 37.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 34, 39-42, 45 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Okura et al (6183275).

As to claim 34, Okura, Figs. 1-5 show a plug connection, comprising: a first plug 20 having a seal 27; a second plug 10 configured for fitting in an opening H in a partition wall P, the second plug being mateable with the first plug such that the seal substantially surrounds the opening in the partition wall when the first and second plugs are mated; and a clamping device 24, 23, 31 provided on the first plug that is configured for drawing the first plug into engagement with the second plug, the clamping device engaging with the second plug at a connection region where the cover 23, 24 engaged with the hood member 13, the connection region being provided with a sealing member 16 configured to seal the connection region between the clamping device and the second plug.

As to claim 39, Okura shows the clamping device is a sliding device including at least one guide rail 33 that engages with a projection 19 formed on the second plug.

As to claim 40, Okura shows the projection extends through an opening 33A in the sliding device into engagement with the guide rail, an outer periphery of the opening being provided with the sealing member 16.

As to claim 41, Okura shows the clamping device is slideable in a direction substantially transverse to a direction of engagement of the first and second plugs when the arm 31 rotates.

As to claim 42, Okura shows the second plug is provided with a sealing projection 14 configured for engagement with the sealing member 16.

As to claim 45, Okura shows the sealing member 16 is an O-ring.

As to claim 48, Okura shows the second plug includes a resilient catch arm 18 configured for engagement with the opening.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okura et al (6183275).

To form the sealing member to be a spray-on seal would have been obvious to one with skill in the art since such change is old and well known in the art to achieve the predictable results.

8. Claims 49-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Applicant's arguments filed 10/21/08 have been fully considered but they are not persuasive.

The drawing objections and claim objections have been discussed above.

In response to the remarks, applicant states that "Okura's sealing member 16, in contradistinction, only seals the second plug on the panel and does not seal his connection region". The Examiner disagrees, Okura, Figs. 2-5 clearly shows the sealing member 16 seal a connection region that defines a sealing member configured to seal the connection region between the clamping device 31 and the second plug 10.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication should be directed to Hien D. Vu at telephone number 571-272-2016.

/Hien D. Vu/

Primary Examiner, Art Unit 2833

Application Number**Application/Control No.**

10/599,643

**Applicant(s)/Patent under
Reexamination**

GIMBEL ET AL.

Examiner

Hien D. Vu

Art Unit

2833